In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.7176/06
Radheyshyam Vs. State of Rajasthan

Date Of Order :: 20th November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. S.S. Hasan, counsel for petitioner.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioner, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioner that he has falsely been implicated in this matter and he is a government servant and he is nothing to do with the disputed property. It is also submitted that co-accused Birdi Devi who is wife of the deceased Shanti Swaroop was residing in that disputed plot. It is also submitted that Shanti Swaroop suddenly died in a road accident and just with the intent to grab the property of deceased Shanti Swaroop this false complaint has been lodged. It is also submitted that co-accused Birdi Devi and other accused persons have been arrested and released on bail under section 437 of the Code of Criminal Procedure and only non-bailable offence is 453 IPC.

Learned Public Prosecutor opposed the bail application and contended that the accused petitioner is also

brother of the deceased Shanti Swaroop and after his death he also in the conspiracy and connivance with the co-accused Birdi Devi forcibly entered into the residential house of deceased Shanti Swaroop which was actually given by the deceased Shanti Swaroop to the complainant by way of will.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of accusation and allegations, all other facts and circumstances and the fact that other co-accused persons including Birdi Devi wife of the deceased Shanti Swaroop have been arrested and released on bail, I deem it proper to grant the benefit of pre-arrest bail to accused petitioner Radheyshyam.

In the result, the bail application is allowed and it is directed that in the event of arrest of petitioner Radheyshyam S/o. Madholal, he shall be released on bail by the concerned SHO/Investigating Officer in FIR No.775/2006 registered at Police Station Jhotwara, District Jaipur provided he furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to his satisfaction on the following conditions :-

1. that the petitioner shall make himself available for interrogation by a police officer as and when required;
2. that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer; and
3. that the petitioner shall not leave India without previous permission of the Court.

(J.R. Goyal),J

VS Shekhawat/-
Jr. P.A.